## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD Region 31

Ampersand Publishing, LLC d/b/a Santa Barbara News-Press

(Employer)

and Case 31-RD-001622

Gerald Kevin Fall

(Petitioner)

and

Graphic Communications Conference/International Brotherhood of Teamsters

(Union)

## ORDER DISMISSING PETITION

Pursuant to a petition filed on May 3, 2011, in connection with the above-captioned matter, a Notice of Representation Hearing issued on that same date. On May 5, 2011, an Order Postponing Hearing issued. No hearing has been held to date.

The Graphic Communications Conference was certified under Section 9 of the Act as the collective-bargaining representative of the bargaining unit employees involved in the instant matter on August 16, 2007, in Case 31-RC-8602. On September 27, 2012, the Board issued its Decision and Order in connection with some of the pending unfair labor practice charges and ordered, inter alia, that the certification year be extended for an additional 12 months beginning when the Employer commences good-faith bargaining. *Ampersand Publishing, LLC d/b/a Santa Barbara News-Press*, 358 NLRB No. 141 (2012). On May 31, 2013, the Board issued an Order Denying Motion for Reconsideration and Modifying Remedy. *Ampersand Publishing, LLC d/b/a Santa Barbara News-Press*, 359 NLRB No. 127 (2013).

The Hearing was postponed indefinitely and the petition was blocked in view of the unresolved unfair labor practice charges which were pending in Cases 31-CA-27950, 31-CA-27965, 31-CA-28043, 31,CA-28104, 31-CA-28116, 31-CA-28131, 31-CA-28151, 31-CA-28161, 31-CA-28162, 31-CA-28157, 31-CA-28589, 31-CA-28661, 31-CA-28667, 31-CA-28700, 31-CA-28733, 31-CA-28734, 31-CA-28738, 31-CA-28799, 31-CA-28889, 31-CA-28890, 31-CA-28944, 31-CA-29032, 31-CA-29076, 31-CA-29099, and 31-CA-29124.

It is the Board's policy to treat a certification year under Section 9 of the Act as identifying the statutory collective-bargaining representative with certainty and finality. In view of the Board's Order extending the certification year and the Order Denying Motion for Reconsideration and Modifying Remedy as set forth above, the petition is deemed to be filed during the extended certification year, a period during which the Union would enjoy an irrebuttable presumption of majority status. Therefore, I conclude that the petition was untimely filed, and that further processing of the instant petition is unwarranted. Accordingly,

IT IS ORDERED that the petition for decertification be, and it hereby is, dismissed.<sup>2</sup>/

Signed at Los Angeles, California this 14<sup>th</sup> day of June, 2013.

Mori Pam Rubin, Regional Director National Labor Relations Board Region 31

<sup>2 /</sup> Right To Request Review: Pursuant to provisions of Section 102.71 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it based. Procedure for Filing A Request for Review: Pursuant to the Board's Rules and Regulations, Sections 102.111-102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, D.C. by the close of business on June 28, 2013, at 5:00 p.m. (EDT), unless filed electronically. Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically. To e-file, go to the agency's website at www.nlrb.gov, click "e-file documents," and enter the 10-digit case number (found on the top right of the charge or petition form). Then simply follow the prompts. At the end, you will receive a confirmation number and an e-mail notification that the documents were successfully filed. If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is accomplished by no later than 11:59 p.m. Eastern Time on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file. (A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.) A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirement of the Board's Rules and Regulations.